

To: Federal Communications Commission
Re: Comments in Opposition to RM-10740
From: David W. Payne
6 Heather Dale Chase
Henrietta, NY 14467

Gentlepeople,

I am currently a holder of a FCC Amateur Radio License call sign KA2J, with the operator privileges of Extra. Operation of my station is in accordance with Part 97 of the Commission's Rules. This license is subject to the right of use or control by the Government of the United States under Section 706 of the Communications Act of 1934, as amended. I was originally licensed in 1968 as WN2EPD and later as WB2GIH.

I wish to voice my **opposition** to the petition RM-10740. The Amateur Radio service has been effectively served by the existing Part 97 wording concerning bandwidth. The claims made by this petition are unfounded and do not represent the best interests of the Amateur Radio Community.

I believe it is good to review the basis and purpose of the Amateur Radio Service. As taken from Part 97 of the Rules and Regulations, the following principles are the keystone of the Amateur Radio Service...

97.1 Basis and purpose.

The rules and regulations in this Part are designed to provide an amateur radio service having a fundamental purpose as expressed in the following principles:

- (a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.
- (b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.
- (c) Encouragement and improvement of the amateur service through rules which provide for advancing skills in both the communications and technical phases of the art.
- (d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.
- (e) Continuation and extension of the amateur's unique ability to enhance international goodwill.

In Subpart 97.3 of the Rules and Regulations, the Amateur Radio Service is defined as "A radiocommunication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest." The Amateur Radio Service is therefore unique as compared to the other services and should not be held to rigid requirements that would stifle the basis and purpose of the service.

The bandwidth limitations proposed by the petitioners of RM-10740 would counter the flexibility granted operators within this service to fully take advantage of the intent of the service itself. The latitude given currently in the existing rules and regulations (detailed in "Part 97.307 of emission standards: No amateur station transmission shall occupy more bandwidth than necessary for the information rate and emission type being transmitted, in accordance with good amateur practice.) gives Amateur Radio operators the opportunity to police themselves and the FCC flexibility concerning enforcement actions.

In addition, by keeping the current rules concerning bandwidth somewhat vague and not overly explicit, the technical issues of measuring/monitoring bandwidth, constructing/manufacturing/operating equipment to maintain compliance and the enforcement complexities are avoided. The true spirit of the Amateur Service is maintained by keeping the rules concerning bandwidth as currently written. I respectfully ask that the Commission reject this proposal for rulemaking based on its detrimental affects on the intent of the Amateur Radio Service.

Sincerely,

David W. Payne, KA2J